

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Harold A Ross, Appellant, Pro Se

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

COMPLAINT

Dept of the Army, US Army Reserve
~~Army Reserve Medical Command~~
North East Medical Area Readiness Support Group
Col. Cindy Saladin-Muhammad
LTC Michael Filipowicz

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?
My Civil Rights under Title VII of the Civil Rights Act of 1964. Specifically, a materially
adverse employment action for refusing to waive future Title VII claims as
a condition of continued employment.

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

_____.
If more than one plaintiff is named in the complaint, attach additional pages providing
information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

Harold	A	Ross
First Name	Middle Initial	Last Name
634 Eagle Rock Avenue, #7018		
Street Address		
West Orange	New Jersey	07052
County, City	State	Zip Code
2015723709	haross128@gmail.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	Christine E. Wormuth
	First Name Last Name
	Secretary of the Army
	Current Job Title (or other identifying information)
	101 Army Pentagon
	Current Work Address (or other address where defendant may be served)
	Washington DC 20310-0101
	County, City State Zip Code
Defendant 2:	Lt. Gen. Jody J. Daniels
	First Name Last Name
	Chief of Army Reserve and Commanding General, U.S. Army Reserve Command
	Current Job Title (or other identifying information)
	4710 Knox Street
	Current Work Address (or other address where defendant may be served)
	Fort Bragg NC 28310-5010
	County, City State Zip Code
Defendant 3:	Maj. Gen. Jonathan Woodson
	First Name Last Name
	Commander, Army Reserve Medical Command (AR-MEDCOM)
	Current Job Title (or other identifying information)
	2801 Grand Avenue
	Current Work Address (or other address where defendant may be served)
	Pinellas Park FL 33782
	County, City State Zip Code

Defendant 4: **Col. Cindy Saladin-Muhammad**

First Name	Last Name	
Former Commander, North East Medical Area Readiness Support Group (NEMARSG)		
Current Job Title (or other identifying information)		
208 Drum Road		
Current Work Address (or other address where defendant may be served)		
Fort Wadsworth, NY, 10305		
County, City	State	Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: **208 Drum Road, Fort Wadsworth, NY 10305**

Date(s) of occurrence: **July 18, 2018**

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

This case results from Agency Retaliation against plaintiff Mr. Harold A. Ross (hereinafter "Mr. Ross") for his participation in statutorily protected activity. Relevant to this Complaint, Mr. Ross is a member of the protected classes of Race, Age, Sex and Disability. In January 2017, Mr. Ross filed a complaint with the NE-MARSG Equal Opportunity Advisor (EOA) and the Commander, COL Saladin-Muhammad alleging hostile work environment.

Retaliation, by its nature, generally requires two events: (1) a protected activity by the employee; and (2) discrimination by the employer because of the protected activity. Employers are prohibited from retaliating against an employee for complaining about discrimination that violates Title VII. 42 U.S.C. § 2000e-3(a). A plaintiff need not undertake protected activity to successfully establish a retaliation claim. See, e.g., *Sauers v. Salt Lake County*, 1 F.3d 1122, 1128 (10th Cir. 1993) ("Action taken against an individual in anticipation of that person engaging in protected opposition to discrimination is no less retaliatory than action taken after the fact; this form of pre-emption retaliation falls within the scope of 42 U.S.C. § 2000e-3(a)."); *Beckel v. Wal-Mart Assoc., Inc.*, 301 F.3d 621, 624 (7th Cir. 2002) approved the removal of Mr. Ross from the full-time federal employment at NE-MARSG located in Staten Island, New York. On 27 June 2018 the Agency offered Mr. Ross a Last Chance Agreement (LCA) in lieu of his removal from full-time federal employment. Noting that the agreement absolved the agency for its violation of laws and employee rights, restrained his right to future complaints and grievance proceedings, restrained his civil rights, and forced an admission of guilt for charges he was actively disputing, Mr. Ross refused to sign the agreement and on 18 July 2018 his removal was officially approved by the Agency.

It is prohibited the punish employees for asserting their rights to be free from employment discrimination including harassment. The assertion of these rights is a protected activity, and Mr. Ross has the right to work free of discrimination, harassment, hostile workplace, and retaliation based on his protected activity.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Vision Impairment due to hypertension from induced stress before removal

Severe financial losses

Security Clearance revocation

Loss of employability

Divorce

Homelessness

Loss of Credit

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

All back pay, increases, bonuses, since time of removal.

Compensatory damages for pain and suffering for the physical and psychological damage caused by the hostile and discriminatory conduct.

Attorney fees and expenses;

Removal/Expungement of all negative counseling and Letter(s) of reprimands;

Reinstate full-time federal employment with all permissions, duties, access, and clearances;

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

17 July 2021

Dated

Harold

A



Plaintiff's Signature

Ross

First Name

Middle Initial

Last Name

634 Eagle Rock Avenue, #7018

Street Address

West Orange,

NJ

07052

County, City

State

Zip Code

2015723709

haross128@gmail.com

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.